

Application Serial No. 10/714,226
Reply to Office Action of January 17, 2006

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PATENT
Docket: CU-3454

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

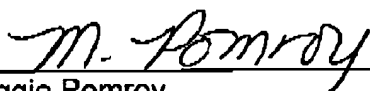
In re Application: Myung Kwan Ryu et al.] GRP ART UNIT: 2813
Serial No: 10/714,226] Ex.: Nguyen, Thanh T.
Filed: November 14, 2003]
For: Method For Fabricating Single Crystal Silicon Film

Certification under 37 C.F.R. §1.8(a)

The USPTO Central Fax No. (571) 273-8300

Date of Fax Transmittal: February 17, 2006

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted to the United States Patent and Trademark Office to the fax number and on the date indicated above.


Maggie Pomroy

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action dated January 17, 2006, setting a 1-month shortened statutory period for a reply ending on February 17, 2006, the pending Claims 1-11 were restricted as follows:

Species I: Claims 1; 9 drawn to a method of forming a semiconductor layer;
and
Species II: Claims 1; 8 drawn to a method of forming a metal film

Applicant hereby provisionally elects **Species I** drawn to forming a semiconductor layer as exemplified by **Claims 1 and 9**. Applicant reserves the right to present the non-elected in a divisional application.

Notwithstanding the foregoing election, the Applicant respectfully disagrees with the restriction requirement.

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On its face, the Office Action admits that claim 1 is generic to both species.

According to MPEP §803.01:

"There are two criteria for a proper requirement for restriction between patentably distinct invention:

- (A) The inventions must be **independent** or **distinct** as claimed; and
- (B) There must be a **serious burden** on the Examiner if restriction is required."

The Office Action does not clearly set forth the reasons how the two groups of claims are considered to be two distinctly separate inventions by way of "reasons and/or examples," or "the applicable criteria for distinctness," or "appropriate explanation of separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02."

It is also respectfully submitted that no satisfactory explanation for the restriction requirement is provided in the Office Action.

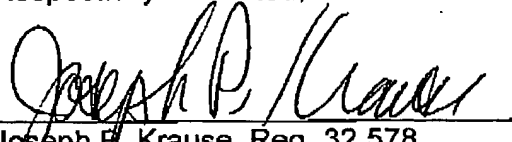
Applicants respectfully request a specific showing of how the serious burden can be put on the Examiner to search and examine the two sets of the claims, both relating to a method of forming a semiconductor and a method of forming a metal film. Accordingly, withdrawal of the restriction requirement is respectfully requested, but the election of species 1 with traverse is confirmed.

This response is considered to be responsive to all points raised in the Office Action. Should the Examiner have any remaining questions or concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

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Respectfully submitted,



Dated: February 17, 2006

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